

**A RESOLUTION
BY FINANCE/ EXECUTIVE COMMITTEE**

08- -

A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO APPROPRIATE AMENDMENTS TO THE MOTOROLA COMMUNICATIONS RADIO SYSTEM AGREEMENT FOR FC-6007000017 AND THE SHAW ENVIRONMENTAL INC AND AIM PARTNERS, PLC, A JOINT VENTURE FC-7619-03F ("SHAW/AIM"), PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO INCLUDE FCC MANDATED REBANDING ACTIVITIES, IN AN AMOUNT NOT TO EXCEED \$ 3,474,357.10 TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 000002 389007 (GENERAL FUND/RECOVER PURCHASES/DIRECT EXP); AND FOR OTHER PURPOSES.

WHEREAS, the FCC issued orders to realign radio spectrum in the 800MHz band to minimize harmful interference to public safety radio systems;

WHEREAS, City of Atlanta ("City") uses radios that are affected by the rebanding activities;

WHEREAS, the City has the opportunity to achieve time and cost savings by combining rebanding efforts with the digital upgrade project currently underway;

WHEREAS, pursuant to the FCC orders, Sprint Nextel will fund the cost of rebanding; and

WHEREAS, the City seeks to amend the Motorola Communications Radio Agreement and Shaw/AIM annual contract to include rebanding of City radio system, along with the upgrade to a digital radio system; and

WHEREAS, the Chief Procurement Officer, in consultation with the Chief Operating Officer has determined that an unusual or unique situation exists that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and, as such, deems it necessary and in the best interests of the City to provide for the immediate procurement of the services of Motorola.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the Mayor or her designee be and is hereby authorized under the authority of §2-1191.1 of Article X, Procurement And Real Estate Code, of the City of

Atlanta, Code of Ordinances, to enter into an appropriate Amendment to the Motorola Communications Radio System Agreement to include rebanding activities with Motorola, Inc., and Shaw AIM in an amount not to exceed \$_____ to be charged to and paid from Fund Account and Center number _____.

BE IT FURTHER RESOLVED, that the Amendments to the Motorola Communications Radio System Agreement and Shaw/Aim agreement will not be binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Motorola, Inc and Shaw/Aim.



CITY OF ATLANTA

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Internet Home Page: www.atlantaga.gov

Shirley Franklin
Mayor

DEPARTMENT OF PROCUREMENT

Adam L. Smith, Esq., CPPB

Chief Procurement Officer

asmith@atlantaga.gov

February 26, 2008

PROCUREMENT CODE SECTION 2-1191.1 SPECIAL PROCUREMENT DESIGNATION FC- 7619-03F



Pursuant to Atlanta City Code Section 2-1191.1, the Chief Procurement Officer may initiate a procurement above the small purchase amount specified in Section 2-1190 where he/she determines that an unusual or unique situation exists that make the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and such procurement does not technically qualify as a sole source procurement under Code Section 2-1191. Any special procurement under this Section shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the chief procurement officer in the contract file.

This special procurement request is made to amend the Motorola Communications Radio Agreement and the Shaw/AIM contractual agreement to include activities related to the integration of the rebanding and radio public safety communications system projects, on behalf of the Executive Offices, Office of the Mayor.

Having conducted an investigation of the available sources regarding the materials, goods and/or services stipulated herein pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, Special Procurement, my findings are the following:

- 1) It has been determined that because of the specialized service, programming needs, upgrade components and all the technical aspects that are involved to maintain the existing and new equipment, the application of all requirements for competitive sealed bidding would not apply. It has also been determined that such procurement does not technically qualify as a sole source.
- 2) This special procurement is necessary for the City to meet its regulatory obligation as mandated by the FCC. Failure by the City to properly relocate its 800 MHz radio systems to the new radio spectrum locations would create a clear threat to the general public, including dangerous interference, failure of existing interoperability between public safety agencies, and possible total system failure.

I, Adam L. Smith, by the authority vested in me pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, do hereby approve, direct and authorize the special procurement for technical services to Motorola Inc. and Shaw-AIM JV.


Adam L. Smith 

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO APPROPRIATE AMENDMENTS TO THE MOTOROLA COMMUNICATIONS RADIO SYSTEM AGREEMENT FOR FC-6007000017 AND THE SHAW ENVIRONMENTAL INC AND AIM PARTNERS, PLC, A JOINT VENTURE FC-7619-03F ("SHAW/AIM"), PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO INCLUDE FCC MANDATED REBANDING ACTIVITIES, IN AN AMOUNT NOT TO EXCEED \$ 3,474,357.10 TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 000002 389007 (GENERAL FUND/RECOVER PURCHASES/DIRECT EXP); AND FOR OTHER PURPOSES.

Council Meeting Date: March 17, 2008

Requesting Dept.: Mayor's Office

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to amend existing contracts with Motorola Inc. and Shaw-AIM JV, in order to integrate FCC mandated rebanding activities with the current public safety radio upgrade project.

2. Please provide background information regarding this legislation.

Council in December 2006 approved a contract with Shaw-AIM to provide consultant services to the City and assist in contract negotiation and project management for the radio project. On November 15, 2007, City Council approved legislation to enter into a contract with Motorola Inc. to provide a new digital radio public safety communications system for the City. Additionally, the city has completed negotiations with Sprint Nextel to provide funding for FCC mandated rebanding. In order to save time, resources and money, rebanding activities will be integrated with the current radio upgrade project. This resolution seeks approval to amend the existing contracts with Motorola Inc and with Shaw-AIM to amend the existing contracts to include additional activities required for rebanding.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:** Special Procurement
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** 10 years/3 years 2 months

4. Fund Account Center (Ex. Name and number):

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds: Motorola Lease Finance

6. Fiscal Impact: \$4.9 million annual

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Byrdsell, Project Manager, Office of the Mayor

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Derrick Williams

Contact Number: (404) 330-6310

Originating Department: Mayor's Office

Committee(s) of Purview: Finance

Chief of Staff Deadline: February 27, 2008

Anticipated Committee Meeting Date(s): March 11, 2008

Anticipated Full Council Date: March 17, 2008

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO APPROPRIATE AMENDMENTS TO THE MOTOROLA COMMUNICATIONS RADIO SYSTEM AGREEMENT FOR FC-6007000017 AND THE SHAW ENVIRONMENTAL INC AND AIM PARTNERS, PLC, A JOINT VENTURE FC-7619-03F ("SHAW/AIM"), PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO INCLUDE FCC MANDATED REBANDING ACTIVITIES, IN AN AMOUNT NOT TO EXCEED \$ 3,474,357.10 TO BE CHARGED TO AND PAID FROM FUND, DEPARTMENT, ORGANIZATION AND ACCOUNT NUMBER 1001 000002 389007 (GENERAL FUND/RECOVER PURCHASES/DIRECT EXP); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$ 3,474,357.10

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: 2/27/08

(date)

Reviewed by: _____

(date)

Submitted to Council: _____

(date)